

RE MARKS

Claims 1-4, 7-14 and 17-35 remain in the application.

Allowable claims 4, 5, 15 and 16 have been rewritten in independent form as claims 26-29, and are now in condition for allowance. A cross reference table between allowable and rewritten claim numbers follows:

<u>Allowable Claim No.</u>	<u>Rewritten Claim No.</u>
5	26
6	27
15	28
16	29

The claims remaining for consideration are claims 1-4, 7-14, 17-25 and 30-34.

Claims 1-4, 7-14 and 17-25 were rejected under 35 U.S.C. § 103(a) on U.S. Patent No. 6,199,918 to Gerich.

The fitting of the present application is used in poured concrete construction for attaching an ENT tube to a concrete form and preventing entry of concrete into the end portion of the ENT tube when concrete is poured.

Gerich discloses a coupling having one externally threaded end portion 15 for attachment to another device, and an opposite socket end portion 18 for receiving an end portion of an ENT tube.

The Gerich coupling is not suitable for use in poured concrete construction because concrete would enter the ENT socket portion 18 through the openings around the latches 30, and because the coupling is not configured for attachment to a concrete form.

The Examiner contends that the portion of the Gerich coupling between end portions 15 and 18 reads on the claimed attachment flange and that it would be obvious to provide fastener receiving holes in that portion of the Gerich coupling. Neither contention is well taken. The claims recite the attachment flange as extending outwardly around the fitting bottom opening and that is not true in Gerich. There would be no reason whatsoever for a person of ordinary skill in the art to provide fastener receiving holes in the area of the Gerich coupling between portions 15 and 18. That portion of the Gerich coupling is not suitable for fastener receiving openings, and that portion of the Gerich coupling is not suitable for attachment to anything with fasteners.

The claims have been amended to more specifically recite the plane outer surface of the attachment flange as being at one terminal end of the fitting. This is what enables the fitting to be attached against a flat surface of a concrete form.

The claims also recite the socket, the fitting wall and the fitting cavity as being configured to provide insertion of an ENT tube into and through the socket past the socket fingers and into engagement with a support surface that covers the fitting bottom opening when the fitting attachment flange is positioned against the support surface. The Gerich coupling does not have this advantageous feature, and there is no suggestion in the art to modify the Gerich coupling for making a fitting as claimed.

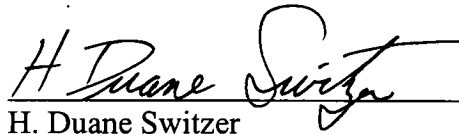
Independent claims 1, 12 and 19 also recite the socket as being surrounded by the fitting cavity, and with the fitting wall in outwardly-spaced surrounding relationship to the socket. This feature is not present in Gerich because the Gerich coupling is a completely different type of

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device from the fitting of the present application, and the two devices are not interchangeable or useable for the same purpose.

In the absence of more pertinent art, this application is now in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "H Duane Switzer", is written over a horizontal line.

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